

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
WP(C).No. 34391 of 2010(Y)**

**1. K.ABDUL AZEEZ, SECRETARY, VETTIKKATTIRI ...
Petitioner**

Vs

**1. A.GOPALAKRISNAN, ALIKKAL HOUSE,
... Respondent**

2. THE STATE INFORMATION COMMISSION,

For Petitioner :SRI.P.P.JACOB

**For Respondent :SRI.M.AJAY, SC, STATE INFORMATION
COMMN The Hon'ble MR. Justice C.T.RAVIKUMAR**

Dated :22/11/2010

O R D E R

C.T.RAVIKUMAR, J.

W.P(C)No.34391 of 2010

----- **Dated 22nd November, 2010**

JUDGMENT

The petitioner is the Secretary of Vettikkattiri Service Co- operative Bank which is registered under the provisions of the Kerala Co- operative Societies Act. This writ petition has been filed mainly with the prayer to issue a writ of mandamus commanding the second respondent to consider Ext.P6 and pass orders thereon without compelling the personal attendance of the Secretary of the petitioner society. Ext.P6 is a statement filed along with an affidavit and balance sheet of the society in response to Ext.P5 notice requiring the petitioner to appear before the second respondent. In fact, the said notice has been issued to the petitioner for the purpose of deciding whether the society would fall under the definition of 'public authority' as defined under section 2(h) of the Right to Information Act. As per Ext.P5 the petitioner was also required to produce all the relevant records. The contention of the petitioner is that since all the required details including the balance sheet and statement have been furnished along with Ext.P6, personal attendance of the petitioner is not required for the purpose of deciding the issue. I am afraid such a contention cannot be countenanced. In case the second respondent requires a clarification on any matter or any statement or any particulars in the balance sheet, the presence of the petitioner is essential and it is essential for the purpose of taking an effective and proper decision on the aforesaid issue. As per Ext.P5, the petitioner was required to appear before the second respondent on 16.11.2010. When this matter is taken up today, the learned standing counsel for the second respondent submitted that the petitioner has not turned up on 16.11.2010 before the Commissioner and therefore the matter was adjourned. It is further submitted that notice regarding the next posting of hearing will be intimated to the petitioner. In view of the discussion above I am of the view that the Secretary of the petitioner society has to appear before the second respondent upon such intimation. The petitioner society is bound to co-operate with the second respondent. Subject to the said observations, this writ petition is disposed of. C.T.RAVIKUMAR

Judge

TKS